

Exhibit B

1 MORRISON & FOERSTER LLP
2 MICHAEL A. JACOBS (Bar No. 111664)
3 mjacobs@mofo.com
4 MARC DAVID PETERS (Bar No. 211725)
5 mdpeters@mofo.com
6 755 Page Mill Road
7 Palo Alto, CA 94304-1018
8 Telephone: (650) 813-5600 / Facsimile: (650) 494-0792

9
10 BOIES, SCHILLER & FLEXNER LLP
11 DAVID BOIES (Admitted *Pro Hac Vice*)
12 dboies@bsfllp.com
13 333 Main Street
14 Armonk, NY 10504
15 Telephone: (914) 749-8200 / Facsimile: (914) 749-8300
16 STEVEN C. HOLTZMAN (Bar No. 144177)
17 sholtzman@bsfllp.com
18 1999 Harrison St., Suite 900
19 Oakland, CA 94612
20 Telephone: (510) 874-1000 / Facsimile: (510) 874-1460

21
22 ORACLE CORPORATION
23 DORIAN DALEY (Bar No. 129049)
24 dorian.daley@oracle.com
25 DEBORAH K. MILLER (Bar No. 95527)
26 deborah.miller@oracle.com
27 MATTHEW M. SARBORARIA (Bar No. 211600)
28 matthew.sarboraria@oracle.com
500 Oracle Parkway
Redwood City, CA 94065
Telephone: (650) 506-5200 / Facsimile: (650) 506-7114

17
18 *Attorneys for Plaintiff*
19 ORACLE AMERICA, INC.

20
21 UNITED STATES DISTRICT COURT

22
23 NORTHERN DISTRICT OF CALIFORNIA

24
25 SAN FRANCISCO DIVISION

26
27 ORACLE AMERICA, INC.

Case No. 3:10-cv-03561-WHA

28 Plaintiff,

**ORACLE AMERICA, INC.'S
SUPPLEMENTAL AND AMENDED
INITIAL DISCLOSURES**

v.

Judge: Honorable William H. Alsup

GOOGLE, INC.

Defendant.

1 Pursuant to Federal Rule of Civil Procedure 26(a)(1) and 26(e), Plaintiff Oracle America,
 2 Inc. (“Oracle”) hereby provides these supplemental and amended initial disclosures. Oracle has
 3 made a reasonable and good faith effort to make the initial disclosures provided herein, including
 4 providing general descriptions of documents, and identifying persons who may have knowledge
 5 of pertinent information, relating to the issues in this action. However, Oracle’s investigation of
 6 its claims and defenses in this action is ongoing. Other potential witnesses and/or documents may
 7 be identified and become significant as discovery proceeds and as the case develops, and
 8 therefore, Oracle reserves the right to supplement these disclosures.

9 **I. INDIVIDUALS LIKELY TO HAVE DISCOVERABLE INFORMATION
 10 THAT ORACLE MAY USE TO SUPPORT ITS CLAIMS OR DEFENSES
 (FED. R. CIV. P. 26(a)(1)(A)(i)).**

11 The persons Oracle believes are likely to have discoverable information that Oracle may
 12 use to support its claims and defenses are:

Name, Address, Telephone	Subject
Greg Bollella Contact through counsel for Oracle	Java development
Roger Calnan Contact through counsel for Oracle	Java development and distribution
Andrew Carr Contact through counsel for Oracle	Java distribution
Safra Catz Contact through counsel for Oracle	Oracle’s business; Oracle’s acquisition of Sun; Java business models, business plans, and associated financial data; license discussions between Oracle and Google
Neal Civjan Former Oracle employee	Java licensing and sales, including negotiations with Google
Patrick Curran Contact through counsel for Oracle	Java standards, JCP, and open Java
Bill Daly Contact through counsel for Oracle	Oracle financial data
Don Deutsch Contact through counsel for Oracle	Java standards, JCP, and open Java, Java revenues and business
Larry Ellison Contact through counsel for Oracle	History of Oracle; Oracle’s business; Oracle’s acquisition of Sun; Java business models and business plans; license discussions between Oracle and Google
Gustavo Galimberti Contact through counsel for Oracle	Java development, Java licensing, Java distribution and support
Craig Gering Former Oracle employee	Java development, licensing, and testing

	Name, Address, Telephone	Subject
1	Ivgen Guner Contact through counsel for Oracle	Oracle financial data
2	Vineet Gupta Former Oracle employee	Java sales and licensing, including negotiations with Google
3	Steve Harris Contact through counsel for Oracle	Java development, distribution, licensing, business models, and business plans
4	Jeannette Hung Contact through counsel for Oracle	Java development
5	Thomas Kurian Contact through counsel for Oracle	Java development, distribution, licensing, business models, and business plans; license discussions between Oracle and Google
6	Jacob Lehrbaum Contact through counsel for Oracle	Java licensing and copyrights
7	Matthew Mayerson Contact through counsel for Oracle	Software distribution
8	Kerry McGuire Contact through counsel for Oracle	Java business and revenues
9	John Pampuch Contact through counsel for Oracle	Java VM technology
10	Bill Pittore Contact through counsel for Oracle	Java VM development
11	Nandini Ramani Contact through counsel for Oracle	Java Development
12	Mark Reinhold Contact through counsel for Oracle	Java development, distribution, licensing, business models, business plans, patent rights and copyrights
13	Hasan Rizvi Contact through counsel for Oracle	Java development, distribution, licensing, business models, and business plans; license discussions between Oracle and Google
14	Susan Roach Contact through counsel for Oracle	Java development, distribution, licensing, business models, business plans, patent rights and copyrights
15	Bill Shannon Contact through counsel for Oracle	Java development, distribution, licensing, business models, business plans, patent rights and copyrights
16	Param Singh Contact through counsel for Oracle	Mobile Java development and business plan
17	Guy Steele Contact through counsel for Oracle	Java development
18	Brian Sutphin Contact through counsel for Oracle	Java licensing and business, including negotiations with Google, Java business plans
19	Ken Glueck Contact through counsel for Oracle	License discussions between Oracle and Google; Java business models and business plans
20	Michael Pfefferlen Contact through counsel for Oracle	Java sales and licensing, including negotiations with Google

	Name, Address, Telephone	Subject
1	Adam Messinger Contact through counsel for Oracle	Java development, distribution, licensing, business models, and business plans
2	Bhaskar Gorti Contact through counsel for Oracle	Oracle's business
3	Jeet Kaul Former Oracle employee	Java licensing and business
4	Kathleen Knopoff Former Sun employee	Java licensing and business
5	Leo Cizek Contact through counsel for Oracle	Java licensing and business, including negotiations with Google, Java business plans
6	Lino Persi Contact through counsel for Oracle	Java licensing and business
7	Noel Poore Contact through counsel for Oracle	Mobile Java development and business plan
8	Geoffrey Morton Contact through counsel for Oracle	Java licensing and business
9	Ed Washington Contact through counsel for Oracle	Java licensing and business
10	Govind Vedantham Contact through counsel for Oracle	Java licensing and business
11	Martin Lister Former Oracle Employee	Java licensing and business
12	Nachi Periakaruppan Former Oracle Employee	Java licensing and business
13	Brian Faye Contract through counsel for Oracle	Java licensing and business
14	Rajiv Mordani Contact through counsel for Oracle	Java development
15	Joe (Huizhe) Wang Contact through counsel for Oracle	Java development
16	Lars Bak Google employee	Inventor of U.S. Patent No. 6,910,205
17	Nedim Fresko 121 Lincoln Way San Francisco, CA 94122-2717	Inventor of U.S. Patent Nos. 5,966,702 and 7,426,720
18	Li Gong Mozilla Foundation 650 Castro Street, Suite 300 Mountain View, CA 94041-2072 lgong@mozilla.com	Inventor of U.S. Patent Nos. 6,125,447 and 6,192,476
19	James Gosling Google employee	Inventor of U.S. Patent No. RE38,104
20	Robert Griesemer Google employee	Inventor of U.S. Patent No. 6,910,205
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1	Name, Address, Telephone	Subject
2	Richard Tuck 343 Hill Street San Francisco, CA 94114-2916	Inventor of U.S. Patent Nos. 5,966,702 and 6,061,520
3	Frank Yellin Google employee	Inventor of U.S. Patent No. 6,061,520
4	Representatives of Google, including witnesses identified in Google's initial disclosure and individuals included in Google's custodial collection	Android development, marketing and distribution (including Open Handset Alliance), business plans, infringement, profit models, and revenues
5	Joshua Bloch Google employee	Android development, marketing and distribution (including Open Handset Alliance), business plans, infringement, profit models, and revenues
6	Dan Bornstein Google employee	Android development, marketing and distribution (including Open Handset Alliance), business plans, infringement, profit models, and revenues
7	Bill Buzbee Google employee	Android development, marketing and distribution (including Open Handset Alliance), business plans, infringement, profit models, and revenues
8	Eric Chu Google employee	Java license negotiations between Google and Sun
9	Gregorz Czajkowski Google employee	Android development, marketing and distribution (including Open Handset Alliance), business plans, infringement, profit models, and revenues
10	Tim Lindholm Google employee	Java license negotiations between Google and Sun
11	Rich Miner Google employee	Java license negotiations between Google and Sun
12	Larry Page Google employee	Knowledge of Oracle's Java-related intellectual property; Android development, marketing and distribution (including Open Handset Alliance), business plans, infringement, profit models, and revenues; license discussions between Google and Oracle
13	Andy Rubin Google employee	Android development, marketing and distribution (including Open Handset Alliance), business plans, infringement, profit models, revenues, and license negotiations between Google and Oracle

Name, Address, Telephone	Subject
Eric Schmidt Google employee	Java development; knowledge of Oracle's Java-related intellectual property; Android development, marketing and distribution (including Open Handset Alliance), business plans, infringement, profit models, and revenues; license discussions between Google and Oracle
Representatives of manufacturers and distributors of Android devices	Android distribution, revenues, infringement
Alan Brenner RIM/Blackberry employee	Java development, distribution, licensing, business models, business plans, patent rights and copyrights
Ethan Beard Facebook employee	Java license negotiations between Google and Sun
Rich Green Nokia employee	Java development, distribution, licensing, business models, business plans, patent rights and copyrights
Individuals identified by Google in response to Oracle's interrogatory as having been involved in the development of Android	Android development

II. DOCUMENTS (FED. R. CIV. P. 26(a)(1)(A)(ii)).

Oracle discloses and describes by category the following documents, electronically-stored information, data compilations and tangible things that are or may be in the possession, custody or control of Oracle that Oracle currently and reasonably believes it may use to support its claims or defenses:

1. U.S. Patent No. 6,125,447 and related files.
2. U.S. Patent No. 6,192,476 and related files.
3. U.S. Patent No. 5,966,702 and related files.
4. U.S. Patent No. 7,426,720 and related files.
5. U.S. Patent No. RE38,104 and related files.
6. U.S. Patent No. 6,910,205 and related files.
7. U.S. Patent No. 6,061,520 and related files.
8. U.S. Certificate of Copyright Registration for J2SE 1.4, the copyrighted work, and related files.

- 1 9. U.S. Certificate of Copyright Registration for J2SE 5.0, the copyrighted
- 2 work, and related files.
- 3 10. U.S. Certificate of Supplemental Copyright Registration for J2SE 5.0 and
- 4 related files.
- 5 11. Documents evidencing the conception, development, reduction to practice,
- 6 and design of the inventions claimed by the patents at issue.
- 7 12. Documents relating to the history and development of the Java platform.
- 8 13. Java releases and related documentation.
- 9 14. Documents evidencing sales, distribution, deployment, and use of Java
- 10 products.
- 11 15. Java-related contracts, licenses, and pricing models.
- 12 16. Sun and Oracle Java business plans and financial results.
- 13 17. Documents evidencing Google's knowledge of the Sun patent portfolio,
- 14 including documents relating to licensing of the Java IP rights by Google
- 15 and Google's participation in the Java Community Process.
- 16 18. Android releases and related documentation.
- 17 19. Google marketing, advertising, and press releases, and statements
- 18 regarding Android, Android devices, Android distribution and deployment,
- 19 and revenues attributable to Android.
- 20 20. Public and third-party reports, releases, and statements regarding the
- 21 distribution and deployment of Android devices, and the impact of Android
- 22 and Android devices on the use, distribution, and deployment of the Java
- 23 platform and Java devices.
- 24 21. Documents relating to each type and category of damages described in
- 25 Section III below, including license fees, revenue from and profitability of
- 26 Java and related Oracle businesses, and Oracle's and Google's business
- 27 models for the relevant lines of business.
- 28

1 The above documents are maintained primarily at one or more Oracle locations in
2 California (Santa Clara, Redwood Shores, and Menlo Park) and Broomfield, Colorado, depending
3 on the location of the various individuals identified above. Oracle has otherwise produced and is
4 continuing to produce documents that Oracle reasonably believes it may use to support its claims
5 or defenses.

6 **III. INITIAL DISCLOSURES REGARDING COMPUTATION OF DAMAGES**
7 **(FED. R. CIV. P. 26(a)(1)(A)(iii)).**

8 Oracle provided Google's counsel with a damages expert report, subject to possible
9 supplementation, and Oracle has otherwise provided information regarding the computation of
10 damages in response to Google's interrogatories, and Oracle incorporates both by reference into
11 these amended disclosures. As noted previously, Oracle has not completed its calculation for
12 monetary damages as it will require expert evaluation of information in Google's possession and
13 further supplementation after further productions of documents by Google. Oracle otherwise
14 incorporates by reference its initial disclosures.

15 **IV. INITIAL DISCLOSURES REGARDING INSURANCE**
16 **(FED. R. CIV. P. 26(a)(1)(A)(iv)).**

17 Oracle is unaware of any insurance agreement under which an insurance business may be
18 liable to satisfy all or part of a judgment in this action or to indemnify or reimburse for payments
19 made to satisfy any judgment.

20 Dated: June 3, 2011

DAVID BOIES
STEVEN C. HOLTZMAN
BOIES, SCHILLER & FLEXNER LLP

22 By: /s/ STEVEN C. HOLTZMAN _____

24 *Attorneys for Plaintiff*
ORACLE AMERICA, INC.

CERTIFICATE OF SERVICE

I declare that I am employed with the law firm of Boies, Schiller & Flexner LLP whose address is 1999 Harrison Street, Suite 900, Oakland, California 94612. I am not a party to the within cause, and I am over the age of eighteen years.

I further declare that on June 3, 2011, I served a copy of:

ORACLE AMERICA, INC.'S SUPPLEMENTAL AND AMENDED INITIAL DISCLOSURES

BY FACSIMILE, [Fed. Rule Civ. Proc. rule 5(b)] by sending a true copy from Boies, Schiller & Flexner LLP's facsimile transmission telephone number 510.874.1460 to the fax number(s) set forth below, or as stated on the attached service list. The transmission was reported as complete and without error. The transmission report was properly issued by the transmitting facsimile machine.

I am readily familiar with Boies, Schiller & Flexner LLP's practice for sending facsimile transmissions, and know that in the ordinary course of Boies, Schiller & Flexner LLP's business practice the document(s) described above will be transmitted by facsimile on the same date that it (they) is (are) placed at Boies, Schiller & Flexner LLP for transmission.

BY U.S. MAIL [Fed. Rule Civ. Proc. rule 5(b)] by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, addressed as follows, for collection and mailing at Boies, Schiller & Flexner LLP, 1999 Harrison Street, Suite 900, Oakland, California 94612 in accordance with Boies, Schiller & Flexner LLP's ordinary business practices.

I am readily familiar with Boies, Schiller & Flexner LLP's practice for collection and processing of correspondence for mailing with the United States Postal Service, and know that in the ordinary course of Boies, Schiller & Flexner LLP's business practice the document(s) described above will be deposited with the United States Postal Service on the same date that it (they) is (are) placed at Boies, Schiller & Flexner LLP with postage thereon fully prepaid for collection and mailing.

BY OVERNIGHT DELIVERY [Fed. Rule Civ. Proc. rule 5(b)] by placing a true copy thereof enclosed in a sealed envelope with delivery fees provided for, addressed as follows, for collection by UPS, at 1999 Harrison Street, Suite 900, Oakland, California 94612 in accordance with Boies, Schiller & Flexner LLP's ordinary business practices.

I am readily familiar with Boies, Schiller & Flexner LLP's practice for collection and processing of correspondence for overnight delivery and know that in the ordinary course of Boies, Schiller & Flexner LLP's business practice the document(s) described above will be deposited in a box or other facility regularly maintained by UPS or delivered to an authorized courier or driver authorized by UPS to receive documents on the same date that it (they) is are placed at Boies, Schiller & Flexner LLP for collection.

1
2 **BY PERSONAL SERVICE [Fed. Rule Civ. Proc. rule 5(b)]** by placing a true
3 copy thereof enclosed in a sealed envelope addressed as follows for collection and
4 delivery at the mailroom of Boies, Schiller & Flexner LLP, causing personal
delivery of the document(s) listed above to the person(s) at the address(es) set forth
below.

5 I am readily familiar with Boies, Schiller & Flexner LLP's practice for the
6 collection and processing of documents for hand delivery and know that in the
7 ordinary course of Boies, Schiller & Flexner LLP's business practice the
8 document(s) described above will be taken from Boies, Schiller & Flexner LLP's
mailroom and hand delivered to the document's addressee (or left with an employee
or person in charge of the addressee's office) on the same date that it is placed at
Boies, Schiller & Flexner LLP's mailroom.

9
10 **BY ELECTRONIC SERVICE [Fed. Rule Civ. Proc. rule 5(b)]** by electronically
11 mailing a true and correct copy through Boies, Schiller & Flexner LLP's electronic
12 mail system to the e-mail address(es) set forth below, or as stated on the attached
service list per agreement in accordance with Federal Rules of Civil Procedure rule
5(b).

13
14 Robert F. Perry
15 Scott T. Weingaertner
16 Bruce W. Baber
17 Mark H. Francis
18 Christopher C. Carnaval
19 KING & SPALDING LLP
20 1185 Avenue of the Americas
21 New York, NY 10036-4003

22
23 RPerry@kslaw.com
24 SWeingaertner@kslaw.com
25 bbaber@kslaw.com
26 mfrancis@kslaw.com
27 ccarnaval@kslaw.com

28
29 Google-Oracle-Service-
30 OutsideCounsel@kslaw.com

31 Fax: 212.556.2222

32
33 Donald F. Zimmer, Jr.
34 Cheryl Z. Sabnis
35 KING & SPALDING LLP
36 101 Second Street, Suite 2300
37 San Francisco, CA 94105

38
39 fzimmer@kslaw.com
40 csabnis@kslaw.com

41 Fax: 415.318.1300

42
43 Timothy T. Scott
44 Geoffrey M. Ezgar
45 Leo Spooner III
46 KING & SPALDING, LLP
47 333 Twin Dolphin Drive, Suite 400
48 Redwood Shores, CA 94065

49
50 TScott@kslaw.com
51 GEzgar@kslaw.com
52 LSpooner@kslaw.com

53 Fax: 650.590.1900

54
55 Steven Snyder
56 KING & SPALDING LLP
57 100 N. Tryon Street, Suite 3900
58 Charlotte, NC 28202

59
60 ssnyder@kslaw.com

61 Fax: 704.503.2622

1
2 Brian Banner
3 King & Spalding LLP
401 Congress Avenue
Suite 3200
5 Austin, TX 78701

6 bbanner@kslaw.com

7 Fax: 512.457.2100

8 Ian C. Ballon
Heather Meeker
9 GREENBERG TRAURIG LLP
1900 University Avenue, 5th Floor
East Palo Alto, CA 94303

10 ballon@gtlaw.com

11 meekerh@gtlaw.com

12 Fax: 650.328.8508

13 Valerie W. Ho
GREENBERG TRAURIG LLP
2450 Colorado Avenue, Suite 400E
Santa Monica, CA 90404

14 hov@gtlaw.com

15 Fax: 310.586.7800

16 Renny F. Hwang
GOOGLE INC.
1600 Amphitheatre Parkway
Mountain View, CA 94043

17 rennyhwang@google.com

18 Fax: 650.618.1806

19 Joseph R. Wetzel
Dana K. Powers
GREENBERG TRAURIG, LLP
153 Townsend Street, 8th Floor
San Francisco, CA 94107

20 wetzelj@gtlaw.com

21 powersdk@gtlaw.com

22 Fax: 415.707.2010

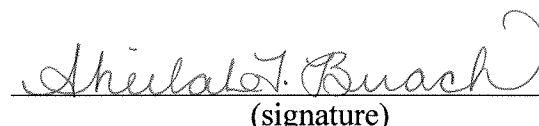
23 Robert A. Van Nest
Christa M. Anderson
Michael S. Kwun
Daniel Purcell
Eugene M. Paige
Matthias A. Kamber
KEKER & VAN NEST LLP
710 Sansome Street
San Francisco, CA 94111-1704
rvannest@kvn.com
canderson@kvn.com
mkwun@kvn.com
dpurcell@kvn.com
epaige@kvn.com
mkamber@kvn.com

24 Fax: 415.397.7188

25 I declare under penalty of perjury under the laws of the United States that the foregoing is
26 true and correct.

27 Executed at Oakland, California, this 3rd day of June, 2011.

28
29 Sheilah Buack
30 (typed)


(signature)